

REMARKS

The Office Action mailed October 24, 2005 has been received and the Examiner's comments carefully reviewed. Claim 1 has been allowed. Applicants thank the Examiner for this notification. Claim 2 has been amended. No new subject matter has been added. Claims 1-9 and 20-27 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

Rejections Under 35 U.S.C. §102

The Examiner rejected claims 2-6, 8, 9, 20-23, 26 and 27 under 35 U.S.C. §102(b) as being anticipated by Zetena (U.S. Patent 5,316,244). Applicants respectfully traverse this rejection, but have amended claim 2 to advance this application to allowance. Applicants reserve the right to pursue the original subject matter via a continuing application.

A. Claims 2-6, 8, and 9

Claim 2 recites a method of assembling a system including selectively connecting a first trough section to either one of first and second end members, and connecting a second trough section to the other of the first and second end members.

Applicants previously argued that neither of the trough sections of Zetena, as characterized by the Examiner, can be selectively connected to either one of the telescope member or the raceway connector 115 of Zetena. The Examiner appears to have acknowledged this distinction, but asserts that claim 2 does not require that the first telescope member be connectable to a second telescope trough.

Claim 2 has been amended to clarify that the first trough section is required to be connectable to both of either one of the first and second end members. In light of this clarification, Applicants respectfully submit that independent claim 2, and dependent claims 3-6, 8 and 9 are patentable.

B. Claims 20-23, 26, and 27

Claim 20 recites a method of assembling a system including providing a telescoping trough with first and second sections in sliding contact, the sliding movement of the section being limited between a minimum extension position and a maximum extension position.

The Examiner states that the method involving a sliding movement "being limited between a minimum extension position and a maximum extension position", as claimed, is disclosed by the locking clips 25 of Zetena. Zetena clearly teaches, however, that the locking clips 25 are not used to limit the sliding movement between two positions. The locking clips are used only to fix the members relative to one another, not limit sliding movement between two positions. In particular, Zetena teaches that only "**once the length is set**" are the members then "**locked in place against further sliding movement changing the length. . . .**" Column 3, lines 24-26. Zetena does not disclose that the locking clips 25 can be used in a method of limiting movement between two positions. Zetena therefore does not meet the claim limitations of the recited method.

Moreover, Zetena not only fails to disclose each and every limitation of claim 20, Zetena teaches away from the claimed limitation. In particular, Zetena teaches that "there will be one telescope member 15 between each two channel members. So that the degree of telescoping **is not limited**, there should be **no obstruction to the sliding movement** on either the channel members or the telescope members." Column 3, lines 16-20.

Zetena does not disclose members having limited sliding movement between two positions, as claimed; and in fact teaches away from such limitation. Applicants therefore respectfully submit that independent claim 20, and depend claims 21-23, 26, and 27 are patentable.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 7, 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over Zetena (U.S. Patent 5,316,244) in view of Merckle (U.S. Patent 3,351,699). Applicants respectfully traverse this rejection.

Claim 7 depends upon claim 2. Claims 24 and 25 depend upon claim 30. In view of the remarks regarding independent claims 2 and 20, further discussion regarding the independent patentability of dependent claims 7, 24, and 25 is believed to be unnecessary. Applicants submit that dependent claims 7, 24, and 25 are in condition for allowance.

Allowable Subject Matter

The Examiner indicated that claim 1 is allowed. Applicants thank the Examiner for this notification.

SUMMARY

It is respectfully submitted that each of the presently pending claims (claims 1-9 and 20-27) is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.


Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.

Respectfully submitted,



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